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REGISTRATION OF SECTION 25(b) MINIMUM RISK PESTICIDES

The **Washington State Department of Agriculture (WSDA)** is responsible for registration of pesticides in Washington. Washington pesticide registration requirements are found in the Washington Pesticide Control Act (RCW 15.58.050 through 130) and the General Pesticide Rules (WAC 16-228-1400 through 1460). The definition of pesticides in Washington includes minimum risk pesticides exempt from federal registration under Section 25(b) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). Therefore, Section 25(b) products also require registration with WSDA. WSDA has developed this guidance for registrants of Section 25(b) products in order to clarify Washington registration and labeling requirements. By following this guidance, registrants can help to minimize the chance for delays during the registration process. Here are some common problems noted during review of 25(b) product registrations, and suggestions to avoid them.

1. **Incomplete registration package.** WSDA requires submission of an application for registration of pesticides (AGR 630-4216), 2 copies of the product label, 1 copy of the Material Safety Data Sheet (MSDS), 1 copy of the Confidential Statement of Formula (CSF) and the appropriate fee. In addition, WSDA requires submission of a new product registration form (AGR 630-4250) if you are registering more than 4 new products. Pesticide registration information and forms are available on the WSDA web site at <http://agr.wa.gov>.
2. **Inadequate confidential statement of formula.** WSDA requires a CSF for all products registered in Washington. Ingredients need to be listed by chemical name and the total must equal 100%. The CSF can be submitted on company stationery or the Environmental Protection Agency (EPA) CSF form (available at www.epa.gov/opprd001/forms/8570-4.pdf).
3. **Product contains ingredients not permitted.** "Active" ingredients **must** be listed in 40 Code of Federal Regulations (CFR) 152.25(g) as exempt from the requirement for federal registration. "Inert" or "Other" ingredients must be listed on EPA Inerts List 4A (40 CFR 180.950). Further information on this requirement is available in the EPA guidance document listed on page two.
 - Requirement of products listed for use on food or feed crops. The chemical name as listed in 40 CFR 180 or 21 CFR 172,182, or 184 and the specific citation. Required for all ingredients if the 25(b) is labeled for use on food or feed crops. The CFR is available on the Government Printing Office web site at www.access.gpo.gov/nara/cfr.
4. **Label has an incorrect ingredient statement.** "Active" ingredients must be listed on the label with individual percentage(s). "Inert" or "Other" ingredients must be listed on the label with a cumulative percentage.
5. **Label makes improper claims.** The label may not make any inaccurate or misleading claims. In addition, the label may not claim to control or mitigate microorganisms that pose a threat to human health.
 - Statements not allowed include the following: "Recommended by EPA as safe and exempt." "It is a violation of Federal Law to Use this Product in a Manner Inconsistent with its Labeling." "EPA Registration No." "Repels mosquitoes that can transmit malaria." "Will repel ticks that cause Lyme disease."
6. **Label has an inaccurate signal word and/or precautionary statements.** A signal word (danger, warning, caution) is required for all 25(b) products. Precautionary statements, including personal protective equipment (e.g. eye protection and gloves), are required for 25(b) products that can cause eye irritation and skin irritation. Specific label requirements are as follows (unless product toxicity data indicate otherwise):
 - Products containing 8.5% or more of cedar oil, cinnamon oil, clove oil, eugenol, garlic oil, lauryl sulfate, lemongrass oil, mint oil, peppermint oil, 2-Phenethyl propionate, potassium sorbate, rosemary oil, sodium lauryl sulfate, thyme oil, or white pepper: CAUTION, eye protection and gloves.
 - Products containing acetic acid, citric acid and/or malic acid (cumulative total of all acids): 1-5% CAUTION; 5-20% WARNING, eye protection and gloves; 20% or more DANGER, eye protection and gloves.

- Products containing citronella or citronella oil (less than or equal to 1%) intended for topical application to human skin: CAUTION, a dermal sensitization precautionary statement, a prohibition against application to the hands of children, and use directions requiring adult supervision during application to children.

SECTION 25(b) MINIMUM RISK PESTICIDE LABELING REQUIREMENTS

WAC 16-228-1400 (5)

Labels for minimum risk pesticides exempted from federal registration under section 25(b) of FIFRA must include the following:

- (a) The product brand name.
- (b) The product function. The function(s) claimed must be consistent with product ingredients.
- (c) An ingredient statement that shall include the following:
 - (i) "Active ingredients." These ingredients must be listed by name (in descending order of composition) with individual percentage(s). Only active ingredients listed in 40 CFR 152.25(g) are permitted;
 - (ii) "Inert ingredients" or "Other ingredients." These ingredients must be listed by name with the cumulative percentage of all inert ingredients stated on the label. Only inert ingredients on EPA Inerts List 4A (40 CFR 180.950) are permitted; and
 - (iii) The total percentage of all ingredients which must equal 100%.
- (d) Directions for use that must include a description of intended uses and use rates. The label must not bear claims either to control or mitigate microorganisms that pose a threat to human health.
- (e) Precautionary statements adequate to protect people and the environment that shall include the following:
 - (i) The statement "Keep Out Of Reach Of Children," and
 - (ii) A signal word (danger, warning or caution) and precautionary statements (including personal protective equipment, if applicable) consistent with product toxicity data.
- (f) An appropriate storage and disposal statement.
- (g) Name and address of the registrant or manufacturer. If the registrant's name appears on the label and the registrant is not the manufacturer, then the name must be qualified by appropriate wording such as "Packaged for" or "Distributed by."
- (h) The weight or measure of the contents.
- (i) In situations where the department deems it appropriate, the use of alternative language and/or statements may be allowed or required.
- (j) Optional information: The minimum risk pesticide label may also include the Washington registration number and a label identification code (such as the revision date).

ADDITIONAL REFERENCES FOR INFORMATION ON 25(b) MINIMUM RISK PESTICIDES

- EPA Pesticide Registration (PR) Notice 2000-6 (Minimum Risk Pesticides Exempted under FIFRA Section 25(b), Clarification of Issues): www.epa.gov/PR_Notices.
- California Notice 2000-6 (Exemption of Certain Pesticide Products from Registration): www.cdpr.ca.gov/docs/canot/ca00-6.htm.
- EPA's Biopesticide Active Ingredient Fact Sheets: www.epa.gov/pesticides/biopesticides/ingredients/index.htm.
- EPA's List 4 "Inerts of Minimal Concern": www.epa.gov/opprd001/inerts/inerts_list4.pdf

WSDA CONTACT INFORMATION

For additional information on the registration of Section 25(b) minimum risk pesticides contact the WSDA Pesticide Registration Section at (360) 902-2030 or e-mail pestreg@agr.wa.gov. The fax number is (360) 902-2093. Registration information and forms for Section 25(b) minimum risk pesticides are available on the WSDA web site at <http://agr.wa.gov>. Information on organic registration requirements is also available on the WSDA web site, or by contacting the WSDA Organic Food Program at (360) 902-1805.

Inquiries regarding the availability of this information in an alternative format should be directed to the WSDA Receptionist at (360) 902-1976, or Telecommunications Device for the Deaf (360) 902-1996.